

Entered 12/16/09 sb  
CL 09L1014 - LISA CARTER

10- R -0368

**CLAIM OF: JAMES ROSENFELD**  
**1183 Woods Circle**  
**Atlanta, Georgia 30324**

For damages alleged to have been sustained as a  
result of striking a damaged curb on October 3,  
2009 at 1264 Lavista Road.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

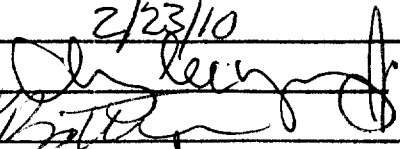
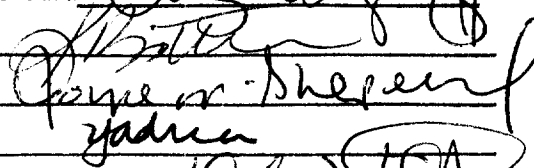
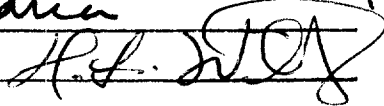
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

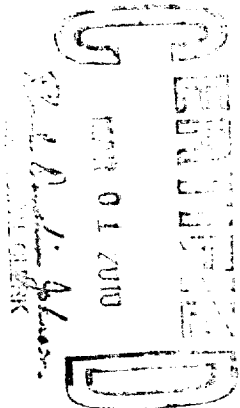
DATE:

2/23/10

CHAIR:

MAR 01 2010



MAR 01 2010

RECEIVED BY  
MAR 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

March 9, 2010

Mr. James Rodenfeld  
1183 Woods Circle  
Atlanta, Georgia

**10-R-0368**

Dear Mr. Rosenfeld

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L1014

Date: January 26, 2010

Claimant /Victim **JAMES ROSENFELD**

BY:(Atty)(Ins.Co.)

Address: 1183 Woods Circle Atlanta, Georgia 30324

Subrogation:            Claim for Property damage \$ \$1,000.00 Bodily Injury \$           

Date of Notice: 12/07/09 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/03/09 Place: 1264 Lavista Road

Department            Bureau:            Office:           

Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking a damaged curb at 1264 Lavista Road. However, an investigation determined that this is a state route and Georgia Department of Transportation is responsible for the maintenance. The claim has been forwarded and the claimant has been advised to pursue his claim with Georgia Department of Transportation.

### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral           

Pictures X Diagrams X Reports: Police            Dept Report            Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental            Ministerial           

Improper Notice            More than Six Months            Other X Damages reasonable           

City not involved X Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - LISA CARTER

### RECOMMENDATION:

Pay \$            Adverse X Account charged: General Fund            Water & Sewer            Aviation           

Claims Manager:  Concur/date 12/08/10

Committee Action:            Council Action

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

RECEIVED  
OFFICE OF  
MUNICIPAL CLERK  
12/4/09  
2009 DEC -7 PM 6:41

RE: CLAIM FOR DAMAGES

Today's Date: 12/2/09

ENTERED - 12-16-09 - SB  
09L1014 - L. CARTER

Carter  
12/15/09  
R

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 23,000 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 10/3/09 2. Time of incident: 4:00 3. Police called: No
4. Location of incident (including street address): 1264 Levisia Rd. (near Cherokee Bridge Rd.)
5. Name of your insurance company: USAA Policy No. 4330418
6. State what and how incident occurred: I was making a right-hand turn onto the Publix Supermarket driveway. My right rear wheel hit the curb that surrounds the driveway. The portion of the curb I hit had eroded away, so that it was like hitting a wall.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.  
Your vehicle: Maserati 1995 ABH6638 James Rosenfeld  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Ronny Mayer Towing Co.
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

James Rosenfeld

James Rosenfeld  
(Print Claimant's Name)

1183 Woods Circle  
(Address)

Atlanta, GA 30324  
(City, State and Zip Code)

404-727-7832 404-364-0089  
(Work Number) (Home Number)

10- R -0368

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0275	36. 10-R-0350	42. 10-R-0356
2. 10-O-0276	37. 10-R-0351	43. 10-R-0357
3. 10-O-0277	38. 10-R-0352	44. 10-R-0358
4. 10-O-0278	39. 10-R-0353	45. 10-R-0359
5. 10-O-0279	40. 10-R-0354	46. 10-R-0360
6. 10-O-0289	41. 10-R-0355	47. 10-R-0361
7. 10-O-0290		48. 10-R-0362
8. 10-O-0291		49. 10-R-0363
9. 10-O-0292		50. 10-R-0364
10. 10-O-0293		51. 10-R-0365
11. 10-O-0294		52. 10-R-0366
12. 10-O-0296		53. 10-R-0367
13. 10-O-0241		54. 10-R-0368
14. 10-O-0307		55. 10-R-0369
15. 10-R-0334		56. 10-R-0370
16. 10-R-0335		57. 10-R-0371
17. 10-R-0390		58. 10-R-0372
19. 10-R-0395		59. 10-R-0373
20. 10-R-0407		60. 10-R-0374
21. 10-R-0411		61. 10-R-0375
22. 10-R-0394		62. 10-R-0376
23. 10-R-0396		63. 10-R-0377
24. 10-R-0338		64. 10-R-0378
25. 10-R-0339		65. 10-R-0379
26. 10-R-0340		66. 10-R-0380
27. 10-R-0341		67. 10-R-0381
28. 10-R-0342		68. 10-R-0382
29. 10-R-0343		69. 10-R-0383
30. 10-R-0344		70. 10-R-0384
31. 10-R-0345		71. 10-R-0385
32. 10-R-0346		
33. 10-R-0347		
34. 10-R-0348		
35. 10-R-0349		